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II. Annotations

1. Opening of the session

1. The forty-eighth session of the Commission will be held at the Vienna International Centre in Vienna, from 29 June to 16 July 2015 (17 July being an official holiday in the United Nations Office in Vienna).[1] The session will be opened on Monday, 29 June 2015, at 10 a.m. (see below, section III, paras. 76-82, for more details about the scheduling of meetings). As at 29 June 2015, the United Nations Commission on International Trade Law will be composed of the following member States: Algeria (2016), Argentina (2016), Armenia (2019), Australia (2016),

[1] *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 17* (A/69/17), para. 291.

Austria (2016), Belarus (2016), Botswana (2016), Brazil (2016), Bulgaria (2019), Cameroon (2019), Canada (2019), China (2019), Colombia (2016), Côte d'Ivoire (2019), Croatia (2016), Czech Republic (2016), Denmark (2019), Ecuador (2019), El Salvador (2019), Fiji (2016), France (2019), Gabon (2016), Germany (2019), Greece (2019), Honduras (2019), Hungary (2019), India (2016), Indonesia (2019), Iran (Islamic Republic of) (2016), Israel (2016), Italy (2016), Japan (2019), Jordan (2016), Kenya (2016), Kuwait (2019), Liberia (2019), Malaysia (2019), Mauritania (2019), Mauritius (2016), Mexico (2019), Namibia (2019), Nigeria (2016), Pakistan (2016), Panama (2019), Paraguay (2016), Philippines (2016), Poland (2016), Republic of Korea (2019), Russian Federation (2019), Sierra Leone (2019), Singapore (2019), Spain (2016), Switzerland (2019), Thailand (2016), Turkey (2016), Uganda (2016), United Kingdom of Great Britain and Northern Ireland (2019), United States of America (2016), Venezuela (Bolivarian Republic of) (2016) and Zambia (2019).

2. Member States not members of the Commission, non-Member States having received a standing invitation to participate as observer in the sessions and the work of the General Assembly, and international governmental organizations may attend the session as observers and participate in the deliberations. In addition, invited international non-governmental organizations may attend the session as observers and represent the views of their organizations on matters where the organization concerned has expertise or international experience so as to facilitate the deliberations at the session.

2. Election of officers

3. Pursuant to a decision taken by the Commission at its first session, the Commission elects, for each session, a Chairperson, three Vice-Chairpersons and a Rapporteur.

4. Consideration of issues in the area of arbitration and conciliation

(a) Consideration and provisional approval of revised UNCITRAL Notes on Organizing Arbitral Proceedings

4. At its forty-sixth session, in 2013, the Commission considered that the UNCITRAL Notes on Organizing Arbitral Proceedings (1996)[2] ("Notes") required updating as a matter of priority. It was agreed that the preferred forum for that work would be that of a Working Group, to ensure that the universal acceptability of the Notes would be preserved.[3] At its forty-seventh session, in 2014, the Commission mandated Working Group II to undertake work on the revision of the Notes.[4] At that session, the Commission agreed that the Working Group should consider at its sixty-first and, if necessary, its sixty-second session, the revision of the Notes. In so doing, the Working Group should focus on matters of substance, leaving drafting to the Secretariat.[5] The Secretariat was requested to prepare a draft of revised

[2] *UNCITRAL Yearbook*, vol. XXVII: 1996, part three, annex II.

[3] *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17* (A/68/17), para. 130.

[4] Ibid., *Sixty-ninth Session, Supplement No. 17* (A/69/17), para. 128.

[5] Ibid.

Notes for consideration and provisional approval by the Commission at its forty-eighth session (A/CN.9/832, para. 12).

5. At its forty-eighth session, the Commission will have before it the reports of the sixty-first and sixty-second sessions of the Working Group (A/CN.9/826 and A/CN.9/832, respectively). The Commission will also have before it a note by the Secretariat containing the draft revised Notes (A/CN.9/844). The Commission may expect to receive comments by States and organizations on the draft revised Notes.

(b) Enforcement of settlement agreements resulting from international commercial conciliation/mediation

6. At its forty-seventh session, the Commission had before it a proposal for future work in relation to enforcement of international settlement agreements (A/CN.9/822).[6] The Commission agreed that the Working Group should consider at its sixty-second session the issue of enforcement of settlement agreements resulting from international commercial conciliation/mediation and should report to the Commission at its forty-eighth session on the feasibility and possible form of work in that area.[7]

7. At its sixty-second session, the Working Group considered the issue of enforcement of settlement agreements resulting from international commercial conciliation/mediation proceedings with a view to reporting to the Commission on the feasibility and possible form of work in that area. The Working Group recalled that when UNCITRAL prepared the Model Law on International Commercial Conciliation (2002),[8] the Commission was generally in agreement with the policy that easy and fast enforcement of settlement agreements should be promoted (see para. 88 of the UNCITRAL Guide to Enactment and Use of the Model Law).[9] Questions and concerns were expressed during the deliberation on the matter, but it was generally felt that they could be addressed through further work on the topic. The Working Group agreed to suggest to the Commission that it should be given a mandate to work on the topic of enforcement of settlement agreements, to identify the relevant issues and develop possible solutions, including the preparation of a convention, model provisions or guidance texts. Considering that differing views were expressed as to the form and content, as well as the feasibility, of any particular instrument, it was also agreed to suggest that a mandate on the topic be broad enough to take into account the various approaches and concerns (A/CN.9/832, paras. 57-59).

8. At its forty-eighth session, the Commission will have before it the report of the sixty-second session of the Working Group (A/CN.9/832). The Commission will also have before it a compilation of comments by Governments on enforcement of settlement agreement resulting from mediation (A/CN.9/846 and addenda).

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[6] Ibid., paras. 123-125.

[7] Ibid., para. 129.

[8] *UNCITRAL Yearbook*, vol. XXXIII: 2002, part three, annex I.

[9] Ibid., annex II.

(c) Possible future work in the area of arbitration and conciliation

Concurrent proceedings

9. At its forty-seventh session, the Commission considered whether to mandate its Working Group II to undertake work in the field of concurrent proceedings in investment treaty arbitrations, recalling that it had identified, at its forty-sixth session, in 2013,[10] that the subject of concurrent proceedings was increasingly important particularly in the field of investment arbitration and might warrant further consideration.[11] The Commission agreed that the Secretariat should explore the matter further, in close cooperation with experts from other organizations working actively in that area. That work should focus on treaty-based investor-State arbitration, without disregarding the issue in the context of international commercial arbitration. The Commission requested the Secretariat to report to the Commission at a future session, outlining the issues at stake and identifying work that UNCITRAL might usefully undertake in the area.[12]

10. At its forty-eighth session, the Commission will have before it a note by the Secretariat outlining the practical issues, the various options available to address those issues, and the possible form of any instrument to be developed in that area (A/CN.9/848).

Other topics

11. The Commission may expect to receive proposals from States and international organizations on possible future work in the area of arbitration and conciliation.

(d) Establishment and functioning of the transparency repository

12. For their implementation, the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration[13] ("Rules on Transparency") require the establishment of a repository to publish information under the Rules (article 8). The Commission may wish to recall that, at its forty-sixth session, in 2013, it expressed its strong and unanimous opinion that the UNCITRAL secretariat should fulfil the role of the transparency repository.[14] It was said that the United Nations, as a neutral and universal body, and its secretariat, as an independent organ under the Charter of the United Nations, should be expected to undertake the core functions of a repository under the Rules on Transparency, as a public administration directly responsible for the servicing and proper operation of its own legal standards.[15] The Commission requested the Secretariat to report to the Commission at its next session on the status of the establishment and functioning of the transparency repository.[16] The General Assembly, by paragraph 3 of its resolution 68/106, invited the Secretary-General to consider performing, in accordance with article 8 of the

[10] *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17* (A/68/17), paras. 131 and 132.

[11] Ibid., *Sixty-ninth Session, Supplement No. 17* (A/69/17), paras. 126 and 127.

[12] Ibid., para. 130.

[13] Ibid., *Sixty-eighth Session, Supplement No. 17* (A/68/17), para. 128 and annex I.

[14] Ibid., para. 80.

[15] Ibid., para. 79.

[16] Ibid., para. 98.

Rules on Transparency, the role of the transparency repository through the secretariat of the Commission, and requested the Secretary-General to report to the General Assembly and the Commission in that regard.

13. The Commission may wish to recall that, at its forty-seventh session, in 2014, the Secretariat reported on the establishment of the transparency registry website and its work in relation thereto.[17] The Commission may wish to take note that the General Assembly, by paragraph 3 of its resolution 69/115, noted with appreciation that the secretariat of the Commission had taken steps to establish and operate the repository of published information under the Rules on Transparency, in accordance with article 8 of the Rules on Transparency, as a pilot project temporarily funded by voluntary contributions, and in that regard requested the Secretary-General to keep the General Assembly informed of developments regarding the funding and budgetary situation of the transparency repository.

14. At its forty-eighth session, the Commission will hear an oral report on the status of the establishment and functioning of the transparency repository.

(e) International commercial arbitration moot competitions

15. An oral report will be presented on the Twenty-second Willem C. Vis International Commercial Arbitration Moot competition, the Twelfth Willem C. Vis (East) International Commercial Arbitration Moot and the Seventh International Commercial Arbitration Competition in Madrid.

(For suggested scheduling of meetings to consider this agenda item, see para. 76 below.)

5. Consideration of issues in the area of security interests

(a) Consideration and provisional approval of parts of a model law on secured transactions

16. At its forty-sixth session, in 2013, the Commission confirmed its decision taken at its forty-fifth session, in 2012, that the Working Group should prepare a simple, short and concise model law on secured transactions based on the recommendations of the UNCITRAL Legislative Guide on Secured Transactions (2007)[18] ("Secured Transactions Guide") and consistent with all texts prepared by UNCITRAL on secured transactions.[19]

17. At its forty-seventh session, in 2014, the Commission acknowledged the importance of modern secured transactions law for the availability and cost of credit and the need for urgent guidance to States, in particular those with developing economies and economies in transition, expressed its satisfaction for the considerable progress achieved by the Working Group in its work and requested the Working Group to expedite its work so as to complete the draft model law, including the definitions and provisions on non-intermediated securities, and to submit it to

[17] Ibid., *Sixty-ninth Session, Supplement No. 17* (A/69/17), paras. 107-110.

[18] United Nations publication, Sales No. E.09.V.12.

[19] *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17* (A/68/17), paras. 194 and 332.

the Commission for adoption together with a guide to enactment as soon as possible.[20]

18. At its twenty-seventh session (New York, 20-24 April 2015), Working Group VI (Security Interests) approved the substance of several chapters of the draft model law on secured transactions, and submitted chapter IV and the annex dealing with registry-related issues as well as chapters VIII and IX dealing with conflict-of-laws and transition issues, respectively, to the Commission for approval in principle (A/CN.9/836, para. 122).

19. At its forty-eighth session, the Commission will have before it the reports of the twenty-sixth and twenty-seventh sessions of the Working Group (A/CN.9/830 and A/CN.9/836), and may wish to take note of the progress of the Working Group in its work. The Commission will also have before it notes by the Secretariat transmitting to the Commission for consideration and approval in principle the above-referred parts of the draft model law on secured transactions (A/CN.9/852 and A/CN.9/853).

(b) Possible future work in the area of security interests

20. At its twenty-seventh session, the Working Group decided to recommend to the Commission the preparation of a draft guide to enactment of what will become the Model Law on Secured Transactions (A/CN.9/836, para. 121). The Commission may wish to consider that recommendation of the Working Group and, if it decides to accept it, to assign to the Working Group the task of preparing a draft guide.

(c) Coordination and cooperation in the area of security interests

21. At its current session, the Commission may wish to take note of the oral report of the Secretariat in the progress achieved in: (a) the revision of the World Bank Insolvency and Creditor Rights Standard to take into account the key recommendations of the Secured Transactions Guide; (b) the coordination efforts with the European Commission with a view to ensuring a coordinated approach to the law applicable to the third-party effects of assignments of receivables, taking into account the approach followed in the United Nations Convention on the Assignment of Receivables in International Trade[21] and the Secured Transactions Guide; (c) the coordination efforts with Unidroit with respect to a fourth Protocol to the Convention on International Interests in Mobile Equipment on matters specific to agricultural, construction and mining equipment; and (d) the coordination efforts with the International Finance Corporation and the Organization of American States in providing technical assistance and assistance with respect to local capacity building in the area of security interests.[22] The Commission may wish to renew the mandate given to the Secretariat to continue with these coordination and cooperation efforts.

(For suggested scheduling of meetings to consider this agenda item, see para. 80 below.)

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[20] Ibid., *Sixty-ninth Session, Supplement No. 17* (A/69/17), para. 163.

[21] General Assembly resolution 56/81, annex.

[22] *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 17* (A/69/17), paras. 185-190.

6. Micro-, small- and medium-sized enterprises: progress report of Working Group I

22. At its forty-sixth session, in 2013, the Commission requested that a working group should commence work aimed at reducing the legal obstacles encountered by micro-, small- and medium-sized enterprises (MSMEs) throughout their life cycle, and, in particular, in developing economies.[23] At that session, the Commission also agreed that such work should start with a focus on the legal questions surrounding the simplification of incorporation,[24] and that work on this topic should be allocated to Working Group I.[25] That mandate was reaffirmed by the Commission at its forty-seventh session, in 2014,[26] following consideration of the report of Working Group I on its twenty-second session (A/CN.9/800).[27]

23. At its forty-eighth session, the Commission will have before it the reports of the Working Group on the work of its twenty-third and twenty-fourth sessions (A/CN.9/825 and A/CN.9/831, respectively).

(For suggested scheduling of meetings to consider this agenda item, see para. 77 below.)

7. Online dispute resolution: progress report of Working Group III

24. In accordance with a decision of the Commission at its forty-third session, in 2010,[28] Working Group III (Online Dispute Resolution) commenced its work on the preparation of a legal standard on online dispute resolution for cross-border electronic transactions at its twenty-second session (Vienna, 13-17 December 2010) and continued that work through its thirty-first session (New York, 9-13 February 2015).

25. The Commission may wish to recall that, at its forty-sixth session, in 2013, it took note of the two-track system of procedural rules for online dispute resolution (the draft rules) being considered by the Working Group.[29] At the following session, in 2014, the Commission commended the Working Group for the progress that had been made on the text of Track II of the draft rules and agreed that the Working Group should address the text of Track I of the draft rules.[30] The Commission may also wish to recall its decision, made at its forty-fifth session,[31] in 2012, and confirmed at its forty-sixth and forty-seventh sessions,[32] in 2013 and 2014, that: (a) the Working Group should consider and report back at a future session of the Commission on how the draft rules would respond to the needs of developing countries and those facing post-conflict situations, in particular with regard to the need for an arbitration phase to be part of the process; (b) the Working Group

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[23] Ibid., *Sixty-eighth Session, Supplement No. 17* (A/68/17), para. 321.
[24] Ibid.
[25] Ibid., para. 322.
[26] Ibid., *Sixty-ninth Session, Supplement No. 17* (A/69/17), para. 134.
[27] Ibid., paras. 131-133.
[28] Ibid., *Sixty fifth Session, Supplement No. 17* (A/65/17), para. 257.
[29] Ibid., *Sixty-eighth Session, Supplement No. 17* (A/68/17), paras. 218-220.
[30] Ibid., *Sixty-ninth Session, Supplement No. 17* (A/69/17), paras.136 and 137.
[31] Ibid., *Sixty-seventh Session, Supplement No. 17* (A/67/17), para. 79.
[32] Ibid., *Sixty-eighth Session, Supplement No. 17* (A/68/17), para. 222; and ibid., *Sixty-ninth Session, Supplement No. 17* (A/69/17), paras.138-140.

should continue to include in its deliberations the effects of online dispute resolution on consumer protection in developing and developed countries and countries in post-conflict situations, including in cases where the consumer was the respondent party in an online dispute resolution process; (c) the Working Group should continue to explore a range of means of ensuring that online dispute resolution outcomes were effectively implemented, including arbitration and possible alternatives to arbitration; and (d) the mandate of the Working Group on online dispute resolution in respect of low-value, high-volume cross-border electronic transactions was reaffirmed, and that the Working Group was encouraged to continue to conduct its work in the most efficient manner possible.

26. At its forty-eighth session, the Commission will have before it the reports of the Working Group on the work of its thirtieth and thirty-first sessions (A/CN.9/827 and A/CN.9/833, respectively). The Commission may wish to note in particular that at those sessions, the Working Group worked towards a single set of rules for the resolution of online disputes, on the basis of various proposals made during the sessions themselves. However, no consensus was reached on resolving fundamental differences remaining between States that allowed binding pre-dispute agreements to arbitrate and those that did not, despite the Working Group's strenuous efforts to this end. Accordingly, it was said that the Commission should terminate the mandate of the Working Group, also bearing in mind the Commission's earlier decisions on the allocation of UNCITRAL's resources (see under provisional agenda item 18 below). Other delegations expressed the view that the Working Group should continue to seek consensus on both existing approaches and new elements. The Working Group was also invited to engage in informal consultations before the forty-eighth Commission session to seek progress on these issues (A/CN.9/827, para. 15, and A/CN.9/833, paras. 16 and 17). It is anticipated that an oral report on the informal consultations will be presented to the Commission.

(For suggested scheduling of meetings to consider this agenda item, see para. 77 below.)

8. Electronic commerce: progress report of Working Group IV

27. At its forty-fourth session, in 2011, the Commission agreed that Working Group IV (Electronic Commerce) should be convened to undertake work in the field of electronic transferable records.[33] At that session, the Commission had noted that such work might include certain aspects of other topics, such as identity management, the use of mobile devices in electronic commerce and electronic single window facilities.[34]

28. The Working Group commenced its work in the field of electronic transferable records at its forty-fifth session (Vienna, 10-14 October 2011) and continued that work through its fifty-first session (New York, 18-22 May 2015).

29. At its forty-eighth session, the Commission will have before it the reports of the Working Group on the work of its fiftieth and fifty-first sessions (A/CN.9/828 and A/CN.9/834, respectively). The Commission will also have before it a proposal by States and an international organization for possible future work by UNCITRAL

[33] Ibid., *Sixty-sixth Session, Supplement No. 17* (A/66/17), para. 238.
[34] Ibid., para. 235.

on legal issues related to identity management and trust services (A/CN.9/854). The Commission may expect to receive other proposals on possible future work by UNCITRAL in the area of electronic commerce.

(For suggested scheduling of meetings to consider this agenda item, see para. 77 below.)

9. Insolvency law: progress report of Working Group V

30. Working Group V is currently considering the following three topics:

(a) Facilitating the cross-border insolvency of multinational enterprise groups, pursuant to a mandate given by the Commission at its forty-third session;[35]

(b) Obligations of directors of enterprise group companies in the period approaching insolvency, pursuant to a mandate given by the Commission at its forty-third session;[36] and

(c) Recognition and enforcement of insolvency-related judgements, pursuant to a mandate given by the Commission at its forty-seventh session to develop a model law or model legislative provisions.[37]

31. At its forty-eighth session, the Commission will have before it the reports of the Working Group on the work of its forty-sixth and forty-seventh sessions (A/CN.9/829 and A/CN.9/835, respectively) outlining progress on those three topics.

32. The Commission will also have before it a note by the Secretariat outlining international developments in two areas of insolvency law — work being undertaken by the World Bank on the treatment of financial contracts in insolvency[38] and work being undertaken by the United Nations Conference on Trade and Development and other organizations on sovereign insolvency in the course of which UNCITRAL's work in the field of insolvency law has been mentioned (A/CN.9/851). The Commission will also hear an oral report about the eleventh joint UNCITRAL/INSOL/World Bank Multinational Judicial Colloquium on insolvency law that took place on 21-22 March 2015 in San Francisco.

(For suggested scheduling of meetings to consider this agenda item, see para. 77 below.)

10. Endorsement of texts of other organizations: Principles on Choice of Law in International Commercial Contracts

33. At its forty-eighth session, the Commission may be expected to consider a request from the Hague Conference on Private International Law for endorsement of its Principles on Choice of Law in International Commercial Contracts

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[35] Ibid., *Sixty-fifth Session, Supplement No. 17* (A/65/17), para. 259 (a).

[36] Ibid., para. 259 (b).

[37] Ibid., *Sixty-ninth Session, Supplement No. 17* (A/69/17), para. 155.

[38] The possibility of further work on financial contracts to ensure that the relevant provisions of the UNCITRAL Legislative Guide on Insolvency Law (United Nations publication, Sales No. E.05.V.10) remained consistent with current best practice and related international instruments was noted at the forty-seventh session of the Commission (see ibid., para. 157).

(the "Hague Principles"). The Commission will have before it a note by the Secretariat communicating the text of the Hague Principles (A/CN.9/847).

(For suggested scheduling of meetings to consider this agenda item, see para. 79 below.)

11. Technical assistance to law reform

34. At its forty-eighth session, the Commission will have before it a note by the Secretariat on technical assistance activities undertaken since the Commission's forty-seventh session and on the technical assistance resources, including UNCITRAL publications and the UNCITRAL website (A/CN.9/837).

35. The Commission will also have before it a bibliography of recent writings related to its work (A/CN.9/839) and a note by the Secretariat containing a draft guidance note on strengthening United Nations support to States to implement sound commercial law reforms (A/CN.9/845). The Commission is invited to consider the draft guidance note with a view to transmitting it to the General Assembly for endorsement and dissemination through the Secretary-General across the United Nations.

(For suggested scheduling of meetings to consider this agenda item, see para. 79 below.)

12. Promotion of ways and means of ensuring a uniform interpretation and application of UNCITRAL legal texts

(a) Case law on UNCITRAL texts (CLOUT)

36. At its twenty-first session, in 1988, the Commission decided to establish a system for collecting and disseminating information on court decisions and arbitral awards relating to conventions and model laws that had emanated from the work of the Commission, known as the "case law on UNCITRAL texts (CLOUT)".[39] The system intends to promote international awareness of such legal texts to enable judges, arbitrators, lawyers, parties to commercial transactions and other interested persons to take decisions and awards relating to those texts into account in dealing with matters within their responsibilities and to promote the uniform interpretation and application of those texts. CLOUT relies on a network of national correspondents designated by States parties to a convention emanating from the work of the Commission or that have enacted legislation based on an UNCITRAL model law. The Secretariat has regularly reported to the Commission on the performance of the system since its establishment. The General Assembly, in its resolutions, has repeatedly expressed support for the work on the CLOUT system.[40]

37. At its forty-eighth session, the Commission will have before it a note by the Secretariat on the status and progress of CLOUT (A/CN.9/840).

(b) Digests of case law relating to UNCITRAL legal texts

38. At its thirty-fourth session, in 2001, the Commission, further to consideration of a note by the Secretariat (A/CN.9/498), requested the Secretariat to prepare a

[39] Ibid., *Forty-third Session, Supplement No. 17* (A/43/17), paras. 98-109.

[40] Most recently, General Assembly resolution 69/115, para. 18.

digest of case law on the United Nations Convention on Contracts for the International Sale of Goods[41] (Vienna, 1980) ("United Nations Sales Convention"). It was noted at that session that such analytical digest of court and arbitration cases, identifying trends in interpretation of the Convention, would be useful to foster its uniform interpretation. It was further noted at that session that, in drafting the digest, the Secretariat should avail itself of the help of the network of CLOUT national correspondents and avoid criticism of the decisions of national courts.[42] At its thirty-fifth session, in 2002, the Commission requested the Secretariat to prepare a similar digest of case law on the UNCITRAL Model Law on International Commercial Arbitration.[43] At its forty-fifth session, in 2012, the Commission agreed that a digest on the UNCITRAL Model Law on Cross-Border Insolvency should be prepared, subject to the availability of resources in the Secretariat and encouraged the Secretariat to explore the possibility of collaborating with national correspondents and other experts to facilitate the preparation of the necessary analysis and case information.[44]

39. Since 2004, the Commission has regularly been informed by the Secretariat on the progress of work on the digests. In particular, the Commission may wish to recall that, at its forty-fifth session, in 2012, it was informed about the publication of the third revision of the *UNCITRAL Digest of Case Law on the United Nations Convention on Contracts for the International Sale of Goods: 2012 Edition*[45] and the *UNCITRAL 2012 Digest of Case Law on the Model Law on International Commercial Arbitration*.[46,47] At its forty-sixth session, in 2013, the Commission was informed of the progress in the preparation of the digest of case law on the UNCITRAL Model Law on Cross-Border Insolvency.[48] The General Assembly, in its resolutions, has repeatedly expressed support for the work on digests.[49]

40. At its forty-eighth session, the Commission will have before it a note by the Secretariat (A/CN.9/840) (see para. 37 above), which will provide updates on the current activities concerning the digests.

(For suggested scheduling of meetings to consider this agenda item, see para. 79 below.)

13. Status and promotion of UNCITRAL legal texts

41. At its forty-eighth session, the Commission will have before it a note by the Secretariat concerning the status of the conventions and model laws resulting from its work as well as the status of the Convention on the Recognition and Enforcement

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[41] United Nations, *Treaty Series*, vol. 1489, No. 25567, p. 3.

[42] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 17* and corrigendum (A/56/17 and Corr.3), paras. 386-395.

[43] Ibid., *Fifty-seventh Session, Supplement No. 17* (A/57/17), para. 243.

[44] Ibid., *Sixty-seventh Session, Supplement No. 17* (A/67/17), para. 156.

[45] Available at the date of this document from www.uncitral.org/uncitral/en/case_law/digests.html.

[46] United Nations publication, Sales No. E.12.V.9. Also available at the date of this document from www.uncitral.org/uncitral/en/case_law/digests.html.

[47] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 17* (A/67/17), paras. 153 and 154.

[48] Ibid., *Sixty-eighth Session, Supplement No.17* (A/68/17), para. 238.

[49] Most recently, resolution 69/115, para. 20.

of Foreign Arbitral Awards[50] (New York, 1958) ("New York Convention") (A/CN.9/843).

(For suggested scheduling of meetings to consider this agenda item, see para. 79 below.)

14. Coordination and cooperation

(a) General

42. At its forty-eighth session, the Commission will have before it a note by the Secretariat (A/CN.9/838) providing a brief survey of the activities undertaken by the Secretariat since the Commission's forty-seventh session to ensure coordination with the work of other organizations.

(b) Reports of other international organizations

43. At the forty-eighth session of the Commission, representatives of international organizations will be given an opportunity to apprise the Commission of their current activities and possible means of strengthening cooperation with UNCITRAL.

(c) International governmental and non-governmental organizations invited to sessions of UNCITRAL and its Working Groups

44. At its forty-eighth session, the Commission will hear an oral report concerning intergovernmental and non-governmental organizations invited to sessions of UNCITRAL.

(For suggested scheduling of meetings to consider this agenda item, see para. 79 below.)

15. UNCITRAL regional presence

45. At its forty-eighth session, the Commission will have before it a note by the Secretariat providing, inter alia, a survey of the activities undertaken by the UNCITRAL Regional Centre for Asia and the Pacific since the Commission's forty-seventh session (A/CN.9/842).

(For suggested scheduling of meetings to consider this agenda item, see para. 77 below.)

16. Role of UNCITRAL in promoting the rule of law at the national and international levels

46. The item has been on the agenda of the Commission since its forty-first session, in 2008,[51] in response to the General Assembly's invitation to the Commission to comment, in its report to the General Assembly, on the Commission's current role in promoting the rule of law.[52] At its forty-first to

[50] United Nations, *Treaty Series*, vol. 330, No. 4739, p. 3.

[51] For the decision of the Commission to include the item on its agenda, see *Official Records of the General Assembly, Sixty-second Session, Supplement No. 17* (A/62/17), part two, paras. 111-113.

[52] General Assembly resolutions 62/70, para. 3; 63/128, para. 7; 64/116, para. 9; 65/32, para. 10; 66/102, para. 12; 67/97, para. 14; and 68/116, para. 14.

forty-seventh sessions, in 2008 to 2014, respectively, the Commission, in its annual reports to the General Assembly, transmitted comments on its role in promoting the rule of law at the national and international levels, including in the post-conflict reconstruction context. It expressed its conviction that the promotion of the rule of law in commercial relations should be an integral part of the broader agenda of the United Nations to promote the rule of law at the national and international levels, including through the Rule of Law Coordination and Resource Group supported by the Rule of Law Unit in the Executive Office of the United Nations Secretary-General.[53] This view was endorsed by the General Assembly.[54]

47. The Commission considered it essential to keep a regular dialogue with the Rule of Law Coordination and Resource Group through the Rule of Law Unit and to keep abreast of progress made in the integration of the work of UNCITRAL into the United Nations joint rule of law activities. To that end, it requested the Secretariat to organize briefings by the Rule of Law Unit biannually, when sessions of the Commission were held in New York.[55] The briefing consequently took place at the Commission's forty-fifth and forty-seventh sessions, in 2012 and 2014.[56]

48. At its forty-eighth session, the Commission will hear an oral report by the Chairman of its forty-seventh session and by the Secretariat on the implementation of the relevant decisions taken by the Commission at its forty-seventh session.[57]

49. At the session, the Commission may wish to take note of General Assembly resolution 69/123 on the rule of law at the national and international levels, by paragraph 17 of which the General Assembly invited the Commission to continue to comment, in its reports to the General Assembly, on its current role in promoting the rule of law. The Commission may also wish to note that, by paragraph 20 of that resolution, the General Assembly decided to focus the upcoming Sixth Committee debates at the seventieth session of the General Assembly, in 2015, under the agenda item "The rule of law at the national and international levels" on the subtopic "The role of multilateral treaty processes in promoting and advancing the rule of law". At its forty-eighth session, in formulating its comments to the General Assembly on its current role in promoting the rule of law, the Commission may wish to focus on that subtopic. To facilitate the formulation by the Commission of the comments on that subtopic pursuant to the above-referred invitation by the General Assembly, a panel discussion on "The role of multilateral treaty processes in promoting and advancing the rule of law in the context of the work of UNCITRAL" will be organized by the Secretariat with participation of invited experts.

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[53] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 17* and corrigendum (A/63/17 and Corr.1), para. 386; ibid., *Sixty-fourth Session, Supplement No. 17* (A/64/17), paras. 413-419; ibid., *Sixty-fifth Session, Supplement No. 17* (A/65/17), paras. 313-336; ibid., *Sixty-sixth Session, Supplement No. 17* (A/66/17), paras. 299-321; ibid., *Sixty-seventh Session, Supplement No. 17* (A/67/17), paras. 195-227; ibid., *Sixty-eighth Session, Supplement No. 17* (A/68/17), paras. 267-291; and ibid., *Sixty-ninth Session, Supplement No. 17* (A/69/17), paras. 215-240.

[54] General Assembly resolutions 63/120, para. 11; 64/111, para. 14; 65/21 paras. 12 to 14; 66/94, paras. 15 to 17; 67/89, paras. 16 to 18; 68/106, paras. 12 to 14; and 69/115, para. 12.

[55] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 17* (A/65/17), para. 335.

[56] Ibid., *Sixty-seventh Session, Supplement No. 17* (A/67/17), paras. 195-227; and ibid., *Sixty-ninth Session, Supplement No. 17* (A/69/17), paras. 229-233.

[57] Ibid., *Sixty-ninth Session, Supplement No. 17* (A/69/17), para. 228.

50. The Commission may also wish to note that the Secretary-General, in its report to the General Assembly on strengthening and coordinating United Nations rule of law activities, invited the General Assembly to consider benefiting from a closer interaction with some of the existing subsidiary bodies, such as UNCITRAL, in developing the linkages between the rule of law and the three pillars of the United Nations: peace and security, human rights and development.[58] By paragraph 1 of resolution 69/123, the General Assembly requested the Sixth Committee to continue its consideration of ways and means of further developing such linkages. The Commission may wish to include its views on that matter in its comments to the General Assembly for consideration by the Sixth Committee.

(For suggested scheduling of meetings to consider this agenda item, see para. 77 below.)

17. The thirty-fifth anniversary of the United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980)

51. At its forty-sixth session, in 2013, the Commission requested the Secretariat to commence planning for a colloquium to celebrate the thirty-fifth anniversary of the United Nations Sales Convention, to take place on a date after the forty-seventh Commission session, to be held in 2014. The Commission agreed that the scope of that colloquium could include looking at the Convention broadly and include some of the issues raised by an earlier proposal submitted at its forty-fifth session (A/CN.9/758).[59] That request was reiterated at the Commission's forty-seventh session.[60] Accordingly, a panel discussion will be organized by the Secretariat at the forty-eighth session with participation of experts in the area of international sale of goods.

52. Since the forty-seventh session of the Commission, the Secretariat has coordinated or contributed to a series of regional and national events on the United Nations Sales Convention with a view to compiling information for the Commission. At its forty-eighth session, the Commission will have before it a note by the Secretariat describing current trends in the adoption and use of the United Nations Sales Convention, including on the basis of the information collected at those events (A/CN.9/849).

(For suggested scheduling of meetings to consider this agenda item, see para. 77 below.)

18. Work programme of the Commission

53. At its forty-sixth session, in 2013, the Commission agreed that it should reserve time for discussion of UNCITRAL's future work as a separate topic at each Commission session.[61] At its forty-sixth and forty-seventh sessions, the Commission considered planned and possible future work for UNCITRAL, taking into consideration issues raised in notes by the Secretariat on planned and possible

[58] A/68/213/Add.1, para. 98.

[59] *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17* (A/68/17), para. 315.

[60] Ibid., *Sixty-ninth Session, Supplement No. 17* (A/69/17), para. 255.

[61] Ibid., *Sixty-eighth Session, Supplement No.17* (A/68/17), para. 310.

future work (A/CN.9/807 and A/CN.9/816), together with other documents referred to therein.[62]

54. At its forty-eighth session, the Commission will have before it a further note by the Secretariat on planned and possible future work (A/CN.9/841) and a note by the Secretariat on possible future work in the area of procurement and infrastructure development (A/CN.9/850). The Commission may wish to consider issues of planned and possible future work taking into account, in addition to those documents, progress reports of its Working Groups and the Secretariat and the conclusions it reached at its forty-seventh session under this agenda item.[63]

(For suggested scheduling of meetings to consider this agenda item, see para. 79 below.)

19. Relevant General Assembly resolutions

55. The Commission may wish to take note of the following two General Assembly resolutions adopted on the recommendation of the Sixth Committee: resolution 69/115 on the report of the United Nations Commission on International Trade Law on the work of its forty-seventh session; and resolution 69/116 on the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration. Copies of the resolutions and the relevant report of the Sixth Committee (A/69/496) will be made available at the forty-eighth session of the Commission.

(For suggested scheduling of meetings to consider this agenda item, see para. 79 below.)

20. Other business

56. The Commission may wish to recall that at its forty-fifth session, in 2012, it decided, while not relinquishing its entitlement to summary records under General Assembly resolution 49/221, to request that digital recordings continue to be provided at its forty-sixth and forty-seventh sessions, in 2013 and 2014, on a trial basis, in addition to summary records, as was done for the forty-fifth session.[64] At its forty-seventh session, in 2014, the Commission assessed the experience of using digital recordings and on the basis of that assessment decided to prolong the practice of providing to UNCITRAL digital recordings in parallel with summary records for at least one more year. It was noted that at its next session the Commission would again assess its experience with the use of digital recordings. It was understood that until it was ascertained that no obstacles existed to making the transition from summary records to digital recordings, summary records would have to be provided to the Commission.[65] At the Commission's forty-eighth session, an oral report will be presented by the Secretariat on the use of digital recordings in the United Nations generally and experience with the use of UNCITRAL's digital recordings in particular.

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[62] Ibid., paras. 292-332; and ibid., *Sixty-ninth Session, Supplement No. 17* (A/69/17), paras. 241-266.

[63] Ibid., *Sixty-ninth Session, Supplement No. 17* (A/69/17), paras. 241-266.

[64] Ibid., *Sixty-seventh Session, Supplement No. 17* (A/67/17), para. 249.

[65] Ibid., *Sixty-ninth Session, Supplement No. 17* (A/69/17), paras. 271-276.

57. An oral report will be presented on the internship programme in the Commission's secretariat.

58. The Commission will hear an oral report from the Secretariat on the results of evaluation by UNCITRAL of the role of the Secretariat in facilitating the work of the Commission since the start of the Commission's forty-seventh session on 7 July 2014.

59. The Commission will also be informed about the letter from the Chair of the Committee on Conferences addressed to the Chair of the forty-seventh session of UNCITRAL. The letter refers to underutilization of conference services by UNCITRAL in 2012-2014 and suggests measures to achieve the optimum utilization of conference servicing resources. The Commission may wish to consider the suggested measures and formulate its position for transmission to the Committee on Conferences.

(For suggested scheduling of meetings to consider this agenda item, see para. 79 below.)

21. Date and place of future meetings

Forty-ninth session of the Commission

60. The forty-ninth session of the Commission will be held in New York. Tentative arrangements have been made for the session to be held from 27 June to 15 July 2016 (the United Nations Headquarters is closed on 4 and 7 July 2016).

Sessions of working groups

61. At its thirty-sixth session, in 2003, the Commission agreed that: (a) working groups should normally meet for a one-week session twice a year; (b) extra time, if required, could be allocated from the unused entitlement of another working group provided that such arrangement would not result in the increase of the total number of 12 weeks of conference services per year currently allotted to sessions of all six working groups of the Commission; and (c) if any request by a working group for extra time would result in the increase of the 12-week allotment, it should be reviewed by the Commission, with proper justification being given by that working group regarding the reasons for which a change in the meeting pattern was needed.[66]

62. At its forty-fifth session, in 2012, the Commission took note that the General Assembly, by paragraph 48 of its resolution 66/246 on questions relating to the proposed programme budget for the biennium 2012-2013, decided to increase non-post resources in order to provide sufficient funding for servicing the work of the Commission for fourteen weeks and to retain the rotation scheme between Vienna and New York. In the light of that decision, the Commission noted that the total number of 12 weeks of conference services per year could continue being allotted to six working groups of the Commission meeting twice a year for one week if annual sessions of the Commission were no longer than two weeks.[67] Otherwise, adjustments would need to be made to extend the fourteen-week allotment imposed

[66] Ibid., *Fifty-eighth Session, Supplement No. 17* (A/58/17), para. 275.
[67] Ibid., *Sixty-seventh Session, Supplement No. 17* (A/67/17), para. 258.

during the 2012-2013 biennium for all sessions of the Commission and its working groups.

Sessions of working groups between the forty-eighth and forty-ninth sessions of the Commission

Working Group I (MSMEs)

63. The twenty-fifth session of the Working Group could be held in Vienna, from 19 to 23 October 2015, and the twenty-sixth session could be held in New York, from 4 to 8 April 2016.

Working Group II (Arbitration and Conciliation)

64. The sixty-third session of the Working Group could be held in Vienna, from 7 to 11 September 2015, and the sixty-fourth session could be held in New York, from 1 to 5 February 2016.

Working Group III (Online Dispute Resolution)

65. The thirty-second session of the Working Group could be held in Vienna, from 5 to 9 October 2015, and the thirty-third session could be held in New York, from 29 February to 4 March 2016.

Working Group IV (Electronic Commerce)

66. The fifty-second session of the Working Group could be held in Vienna, from 9 to 13 November 2015, and the fifty-third session could be held in New York, from 9 to 13 May 2016.

Working Group V (Insolvency Law)

67. The forty-eighth session of the Working Group could be held in Vienna, from 14 to 18 December 2015, and the forty-ninth session could be held in New York, from 2 to 6 May 2016.

Working Group VI (Security Interests)

68. The twenty-eighth session of the Working Group could be held in Vienna, from 12 to 16 October 2015, and twenty-ninth session could be held in New York, from 8 to 12 February 2016.

Sessions of working groups in 2016 after the forty-ninth session of the Commission

Working Group I (MSMEs)

69. Tentative arrangements have been made for the twenty-seventh session of the Working Group to be held in Vienna, from 3 to 7 October 2016.

Working Group II (Arbitration and Conciliation)

70. Tentative arrangements have been made for the sixty-fifth session of the Working Group to be held in Vienna, from 5 to 9 September 2016.

Working Group III (Online Dispute Resolution)

71. Tentative arrangements have been made for the thirty-fourth session of the Working Group to be held in Vienna, from 19 to 23 September 2016.

Working Group IV (Electronic Commerce)

72. Tentative arrangements have been made for the fifty-fourth session of the Working Group to be held in Vienna, from 31 October to 4 November 2016.

Working Group V (Insolvency Law)

73. Tentative arrangements have been made for the fiftieth session of the Working Group to be held in Vienna, from 12 to 16 December 2016.

Working Group VI (Security Interests)

74. Tentative arrangements have been made for the thirtieth session of the Working Group to be held in Vienna, from 5 to 9 December 2016.

(For suggested scheduling of meetings to consider this agenda item, see para. 79 below.)

22. Adoption of the report of the Commission

75. The General Assembly, in its resolution 2205 (XXI) of 17 December 1966, decided that the Commission should submit an annual report to it and that the report should be submitted simultaneously to the United Nations Conference on Trade and Development for comments. Pursuant to a decision of the Sixth Committee,[68] the report of the Commission is introduced to the General Assembly by the chairperson of the Commission or by another officer designated by the chairperson.

(For suggested scheduling of meetings to consider this agenda item, see paras. 76, 79 and 80 below.)

III. Scheduling of meetings and documentation

76. The Secretariat recommends that the Commission devote the time from 29 June to 2 July 2015 to consideration of item 4 on the provisional agenda (see paras. 4-15 above). Adoption of the report of the Commission on that item may be expected to take place on Friday, 3 July 2015.

77. The Secretariat recommends that the Commission devote the remaining time on 3 July to items 6 to 9 and 15 on the provisional agenda. The morning of 6 July has been reserved for item 16 and the afternoon of 6 July has been reserved for item 17 (see paras. 49 and 51 above).

78. No formal meetings will be held on Tuesday, 7 July 2015, which has been reserved for a meeting of national correspondents (see para. 36 above).

79. The Commission may wish to consider items 10 to 14 and 18 to 21 on the provisional agenda on 8 and 9 July. In accordance with the Commission's agreement

[68] Ibid., *Twenty-third Session, annexes*, agenda item 88, document A/7408, para. 3.

at its forty-sixth session, in 2013, that it should reserve time for discussion of UNCITRAL's future work as a separate topic at each Commission session,[69] the Secretariat suggests that agenda items 18 and 21 be considered together on 9 July, taking also into account the outcome of the twenty-seventh session of Working Group VI (Security Interests) (see paras. 18 and 20 above). The Commission may wish to adopt the report on items 6 to 21 on the provisional agenda on 10 July.

80. The week of 13 to 16 July (the United Nations Office at Vienna is closed on 17 July) has been reserved for consideration of item 5 on the provisional agenda (see paras. 16-21 above). The report on that agenda item is expected to be adopted on 16 July.

81. It should be noted that the above recommendations on the scheduling of meetings are intended to assist States and invited organizations in planning the attendance of their pertinent representatives; the actual scheduling will be determined by the Commission itself.

82. Meetings will be held from 9.30 a.m. to 12.30 p.m. and from 2 p.m. to 5 p.m., except on Monday, 29 June, when the morning meeting will commence at 10 a.m. (see para. 1 above).

83. UNCITRAL documents are posted on the UNCITRAL website (www.uncitral.org/) upon their issuance in all the official languages of the United Nations. Delegates may wish to check the availability of the documents for the forty-eighth session by accessing the page of the forty-eighth session of the Commission in the "Commission Documents" section of the UNCITRAL website (www.uncitral.org/).

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[69] Ibid., *Sixty-eighth Session, Supplement No. 17* (A/68/17), para. 310.